

**TOWNSHIP BULLETIN  
and Uniform Compliance Guidelines**

**Volume 245, Page 1**

**June 1999**

**ITEMS TO REMEMBER**

**JUNE**

- June 1: On or before June 1 and December 1 of each year (or more frequently if the county legislative body adopts an ordinance requiring additional certifications) the township shall certify a list of the names and addresses of each person who has money due from the township to the county treasurer. (IC 6-1.1-22-14)
- June 20: If a school township has become a part of a school corporation organized under chapter 202, Acts 1959, as amended, and if the reorganized school unit is obligated for civil aid bond retirement, the trustee will receive from the school corporation an amount of money sufficient to pay civil aid bonds and coupons coming due July 1. (IC 20-4-1-35)
- June: All local investment officers shall reconcile at least monthly the balance of public funds as disclosed by the records of the local officers, with the balance statements provided by the respective depositories. (IC 5-13-6-1) (The preceding month's ending record balance must be reconciled with the respective bank statement(s).)

**JULY**

- July 1: Trustees who pay their poor relief directly are to supply the county auditor with Township Trustees' Quarterly Poor Relief Report of Actual and Estimated Receipts and Disbursements (Township PR Form 8, 1993) for the second quarter as discussed in Township Trustees' Bulletin, Vol. 223, November 1993.
- July 4: Independence Day - Legal Holiday (IC 1-1-9-1)
- July 12: Last day for dog tax distribution by Auditor of State. The county auditor makes distribution to townships having reported unpaid claims. (Second Monday in July) (IC 15-5-9-11)
- July 15: Last day to make pension report and payment for second quarter by townships participating in PERF.
- July 31: Last day to file quarterly report, Form 941, to the Internal Revenue Service for federal and social security taxes for the second quarter.
- July 31: Last day to make report for second quarter to the Department of Workforce Development.
- July: All local investment officers shall reconcile at least monthly the balance of public funds as disclosed by the records of the local officers, with the balance statements provided by the respective depositories. (IC 5-13-6-1) (The preceding month's ending record balance must be reconciled with the respective bank statement(s).)

**TOWNSHIP BULLETIN  
and Uniform Compliance Guidelines**

**Volume 245, Page 2**

**June 1999**

**AUGUST**

August 2: On the first Monday of each August the trustee shall post, in a conspicuous place near his office, a verified statement showing the indebtedness of the township in detail and giving the number and total amount of outstanding orders, warrants and accounts. (IC 36-6-4-10)

August 31: Last day for first publication of township budget (10 days prior to the public hearing). (IC 6-1.1-17-3)

NOTE: See the Township Bulletin, Volume 246, August 1999 for new budget dates or call the State Board of Tax Commissioners at (317) 232-3773.

NOTE: The township board should set the salaries of township officials and employees except assessing officials and employees, in conjunction with the preparation and completion of the township budget. (Use Township Form 17)

August: All local investment officers shall reconcile at least monthly the balance of public funds as disclosed by the records of the local officers, with the balance statements provided by the respective depositories. (IC 5-13-6-1) (The preceding month's ending record balance must be reconciled with the respective bank statement(s).)

**CERTIFICATION OF NAMES AND ADDRESSES TO COUNTY TREASURERS**

IC 6-1.1-22-14 states in part (a) "On or before June 1 and December 1 of each year (or more frequently if the county legislative body adopts an ordinance requiring additional certifications), . . . the township executive shall certify the name and address of each person who has money due the person from the political subdivision to the treasurer of each county in which the political subdivision is located."

IC 6-1.1-22-15 states "If the county treasurer finds that a person whose name is certified to him under section 14 of this chapter is delinquent in the payment of his taxes, he shall certify the name of that person and the amount of the delinquency to the official of the political subdivision or other governmental entity who is to make payment to the person. The disbursing officer shall periodically make deductions from money due the person and shall pay the amount of these deductions to the county treasurer."

**PURCHASE OF FIREFIGHTING APPARATUS AND EQUIPMENT**

**INSTALLMENT CONTRACTS**

IC 36-8-13-5 states "After a sufficient appropriation has been made and approved and is available for the purchase of firefighting apparatus and equipment, including housing, the township executive, with the approval of the township legislative body, may purchase it for the township on an installment conditional sale or mortgage contract running for a period not exceeding:

(1) six (6) years; or

(2) fifteen (15) years for a township that:

(A) has a total assessed value of twenty million dollars (\$20,000,000) or less, as determined by the state board of tax commissioners; and

**TOWNSHIP BULLETIN  
and Uniform Compliance Guidelines**

**Volume 245, Page 3**

**June 1999**

- (B) is purchasing the firefighting equipment with funding from the:
  - (i) state or its instrumentalities; or
  - (ii) federal government or its instrumentalities.

The purchase shall be amortized in equal or approximately equal installments payable on January 1 and July 1 each year."

**PURCHASE OF FIREFIGHTING APPARATUS AND EQUIPMENT**

**LOANS - TAX LEVY**

IC 36-8-13-6 states "(a) Subject to section 6.5 of this chapter, the executive and legislative body, on behalf of the township, may also borrow the necessary money from a financial institution in Indiana to make the purchase on the same terms. They shall, on behalf of the township, execute and deliver to the institution the negotiable note or bond of the township for the sum borrowed. The note or bond must bear interest, with both principal and interest payable in equal or approximately equal installments on January 1 and July 1 each year over a period not exceeding six (6) years.

(b) The first installment of principal and interest on a contract, chattel mortgage, note, or bond is due on the next January 1 or July 1 following the first tax collection for which it is possible for the township to levy a tax. The executive and legislative body shall appropriate and levy a tax each year sufficient to pay the obligation according to its terms. An obligation of the township executed under this chapter is a valid and binding obligation of the township, notwithstanding any tax limitation, debt limitation, bonding, borrowing, or other statute to the contrary."

IC 36-8-13-6.5 states "(a) If the executive and the legislative body determine that money should be borrowed under section 6 of this chapter, not less than ten (10) taxpayers in the township who disagree with the determination may file a petition in the office of the county auditor not more than thirty (30) days after notice of the determination is given. The petition must state the taxpayers' objections and the reasons why the taxpayers believe the borrowing to be unnecessary or unwise.

(b) The county auditor shall immediately certify a copy of the petition, together with other data necessary to present the questions involved, to the state board of tax commissioners. Upon receipt of the certified petition and other data, the state board of tax commissioners shall fix a time and place for the hearing of the matter. The hearing shall be held not less than five (5) and not more than thirty (30) days after the receipt of the certified documents.

(c) The hearing shall be held in the county where the petition arose.

(d) Notice of the hearing shall be given by the state board of tax commissioners to the township and to the first ten (10) taxpayer petitioners listed on the petition by letter. The letter shall be sent to the first ten (10) taxpayer petitioners at the taxpayer's usual place of residence at least five (5) days before the date of the hearing. The decision by the state board of tax commissioners on the objections presented in the petition is final."

**PURCHASE OF FIREFIGHTING APPARATUS AND EQUIPMENT**

**PROCEDURE**

IC 36-8-13-7 states "(a) All purchases of firefighting apparatus and equipment shall be made in the manner provided by statute for the purchase of township supplies. If the amount involved is sufficient to require notice under statutes for bids in connection with the purchase of apparatus or equipment, the notice must offer all bidders the opportunity of proposing to sell the apparatus and equipment to the township upon a conditional sale or mortgage contract.

**TOWNSHIP BULLETIN  
and Uniform Compliance Guidelines**

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**Volume 245, Page 4**

**June 1999**

(b) A bidder proposing to sell on a conditional sale or mortgage contract shall state in his bid the proposed interest rate and terms of it, to be considered by the township executive and legislative body in determining the best bid received.

(c) All bids submitted must specify the cash price at which the bidder proposes to sell the apparatus or equipment to the township so that the executive and legislative body may determine whether it is in the best interest of the township to purchase the apparatus or equipment on the terms of a conditional sale or mortgage contract proposed by the bidder or to purchase it for cash if sufficient funds are available or can be raised by negotiating a loan with a financial institution in accordance with this section."

Assets purchased by a township should be titled proportionately in the name of the township.

**TOWNSHIP BULLETIN  
and Uniform Compliance Guidelines**

**Volume 245, Page 5**

**June 1999**

**NEW LAWS AFFECTING TOWNSHIPS**

The following is a digest of some of the laws passed by the 1999 Regular Session of the General Assembly affecting townships. Please note the effective dates. Some of the laws do not pertain directly to townships but are included in the digest for ready reference to the covered subject matter.

The digest is not intended as an expression of legal interpretation. Nor is the digest intended to be all inclusive. References in the digest will be to the Indiana Code in the following form (Amends IC 12-20-9-6) (Amends Indiana Code, Title 12, Article 20, Chapter 9, Section 6).

**PUBLIC LAW 1 - SENATE ENROLLED ACT 40. EFFECTIVE MARCH 2, 1999. TECHNICAL CORRECTIONS.** Amends various provisions including IC 36-8-12 to categorize volunteer fire department instead of volunteer fire companies.

**PUBLIC LAW 16 - SENATE ENROLLED ACT 450. EFFECTIVE JANUARY 1, 2000. VETERANS' BURIAL BENEFITS.** Amends IC 10-5-3-1 to provide the Board of Commissioners to make a further allowance of not more than one hundred dollars (\$100) for the setting of markers for veterans. Before a person will set a marker provided by the federal government, the person setting the marker must disclose the price of the least expensive installation procedure and description of goods and services included.

**PUBLIC LAW 18 - HOUSE ENROLLED ACT 1427. EFFECTIVE JULY 1, 1999. EMERGENCY VEHICLES.** Amends IC 9-21-8 requiring vehicles to proceed with caution when approaching emergency vehicles with flashing lights.

**PUBLIC LAW 20 - HOUSE ENROLLED ACT 1744. EFFECTIVE JULY 1, 1999. FIRE PRE-PLANNING INSPECTIONS.** Adds IC 36-8-17.5 to provide a fire department may make pre-planning inspections of every place and public way within the jurisdiction of a political subdivision that the fire department serves. The purpose is to determine fire fighting strategies to minimize the hazard to firefighters responding to any fire or explosion at the structures.

**PUBLIC LAW 35 - HOUSE ENROLLED ACT 1025. EFFECTIVE JULY 1, 1999. STATE BOARD OF ACCOUNTS MEETINGS.** Amends IC 5-11-14-1 to provide that each official attending a conference called by the state board of accounts shall be allowed for each mile necessarily traveled going to and returning from the conference by the most expeditious route, a sum for mileage at a rate determined by the fiscal body of the unit the official represents. Each official shall also be allowed while attending the conference, called under this section, an allowance for lodging for each night preceding the conference attendance in an amount equal to the single room rate.

Also amends IC 5-11-14-1 to provide that all payments for mileage and lodging shall be made by the proper disbursing officer.

1937 Fire Fund. Amends IC 36-8-7-10 to add that investments are restricted to an investment made under IC 5-13-9.

**TOWNSHIP BULLETIN**  
**and Uniform Compliance Guidelines**

**Volume 245, Page 6**

**June 1999**

**PUBLIC LAW 40 - HOUSE ENROLLED ACT 1163. EFFECTIVE MAY 23, 1999. INDIANA INSTITUTE ON RECYCLING.** Amends IC 13-20-18 to extend the institute to June 30, 2001.

Repeals IC 36-9-30-36 concerning township reporting information.

**PUBLIC LAW 47 - HOUSE ENROLLED ACT 1261. EFFECTIVE JULY 1, 1999. CHECKS.** Adds IC 26-1-3.1-312 concerning lost, destroyed or stolen bank checks.

**PUBLIC LAW 50 - HOUSE ENROLLED ACT 1315. EFFECTIVE JULY 1, 1999. STATE BOARD OF ACCOUNTS ENTITY AUDITS.** Amends IC 5-11-1-9 to raise the threshold for an examination of an entity to at least fifty percent (50%) but less than one hundred thousand dollars (\$100,000) of public funds under certain circumstances.

**PUBLIC LAW 55 - HOUSE ENROLLED ACT 1384. EFFECTIVE JULY 1, 1999. INDIANA RURAL FIRE PROTECTION INITIATIVE.** Adds IC 14-23-6.5 to create the Indiana Rural Fire Protection Initiative to include financial assistance of rural fire departments for organizing, training and equipping in providing fire protection service.

**PUBLIC LAW 58 - HOUSE ENROLLED ACT 1509. EFFECTIVE JULY 1, 1999. ENERGY COST SAVINGS CONTRACTS.** Amends IC 36-1-12.5-3 to provide that after June 30, 1999 qualified provider means a person that satisfies all of the following:

- (A) The person is experienced in the design, implementation, and installation of energy conservation measures.
- (B) The person is certified and meets the requirements of IC 4-13.6-4. The person's response to the request for proposals must include a copy of the person's certificate of qualification issued under IC 4-13.6-4.
- (C) The person provides energy conservation engineering services by a professional engineer licensed under IC 25-31 who is under the person's direct employment and supervision. The person's response to the request for proposals must include the license number of each professional engineer employed by the person to satisfy the requirement of this clause.
- (D) The person provides:
  - (i) monitoring for the facility performance guarantee; and
  - (ii) service personnel under the person's direct employment and supervision; for the duration of the contract's guarantee.
- (E) The person performs at least twenty percent (20%) of the work (measured in dollars of the total contract price) with its own workforce.
- (F) The person submits to the school corporation or political subdivision a performance bond to ensure the qualified provider's faithful performance of the qualified provider's obligations over the term of the guaranteed energy savings contract.

(b) For purposes of a guaranteed energy savings contract entered into before July 1, 1999, a person who was a qualified provider under IC 36-12.5-3(a)(1) at the time the contract was entered into remains a qualified provider for that contract after June 30, 1999. If the person enters into a guaranteed energy savings contract after June 30, 1999, the person must satisfy the requirements of IC 36-1-12.5-3(a)(2) to be considered a qualified provider.

Also adds IC 36-1-12.5-5.3 concerning a guaranteed energy savings contract entered into after June 30, 1999.

**TOWNSHIP BULLETIN**  
**and Uniform Compliance Guidelines**

**Volume 245, Page 7**

**June 1999**

A qualified provider may enter into a subcontract:

- (1) with a value of more than one hundred fifty thousand dollars (\$150,000); and
  - (2) for the performance of any part of a guaranteed energy savings contract;
- only if the subcontractor is certified under IC 4-13.6-4.

**PUBLIC LAW 64 - HOUSE ENROLLED ACT 1618. EFFECTIVE JULY 1, 1999. OUTSTANDING CHECKS.**

Amends IC 5-11-10.5-2 to provide that all warrants or checks drawn upon public funds of a political subdivision that are outstanding and unpaid for a period of two (2) or more years as of the last day of December of each year are void rather than canceled.

Repeals IC 5-11-10.5-6.

**PUBLIC LAW 70 - HOUSE ENROLLED ACT 1002. EFFECTIVE JULY 1, 1999. PUBLIC ACCESS**

**COUNSELOR.** Adds IC 5-14-4 to establish the Office of Public Access Counselor. The Office is to educate officials and the public of the rights of the public and the responsibility of public agencies; to conduct research; prepare educational materials; distribute to newly elected and appointed public officials public access laws; respond to informal inquiries made by the public and public agencies; to issue advisory opinions concerning public access laws; and to make recommendations to the General Assembly concerning ways to improve public access. The Counselor is to also submit a report to Legislative Service Agency concerning complaints received each year concerning public records and public meetings.

Also adds IC 5-14-5 to provide a formal complaint procedure. Public agencies shall cooperate with the Counselor in any investigation or proceeding. Complaints must be filed within thirty (30) days after denial or notice in fact that a meeting was held by a public agency if the meeting was conducted secretly or without notice.

Also amends various Chapters and Sections of IC 5-14 concerning procedural matters concerning the Office of Public Access Counselor.

Public Law 191 contains similar provisions.

**PUBLIC LAW 93 - HOUSE ENROLLED ACT 1428. EFFECTIVE JULY 1, 1999. ENHANCED EMERGENCY**

**TELEPHONE SYSTEM.** Amends IC 36-8-16-2. Provides the term also includes a telephone system that provides service users in the unit with a telephone warning of an emergency situation through a computerized warning system that uses 911 database information and technology if the emergency telephone fund of the telephone systems' political subdivision contains sufficient funds to pay all the expenses of the 911 telephone system. The service supplier may charge a reasonable fee to the political subdivision for administrative costs.

**PUBLIC LAW 100 - HOUSE ENROLLED ACT 1522. EFFECTIVE JULY 1, 1999. CEMETERY PRESER-**

**VATION.** Adds IC 14-21-2 to provide certain information required to be filed with the county recorder pertaining to grave memorials. Provides a Class C misdemeanor for any person buying or selling grave memorials, grave artifacts, grave ornamentation, cemetery enclosure or other commemorative items removed from a cemetery.

**PUBLIC LAW 111 - HOUSE ENROLLED ACT 1725. EFFECTIVE MAY 3, 1999. AIR POLLUTION**

**CONTROL.** Amends IC 13-17-14-5 to provide a unit as defined in IC 36-1-2-23 may not be required to pay certain fees.

**TOWNSHIP BULLETIN  
and Uniform Compliance Guidelines**

**Volume 245, Page 8**

**June 1999**

**PUBLIC LAW 117 - HOUSE ENROLLED ACT 1869. EFFECTIVE JULY 1, 1999. PUBLIC SAFETY COMMUNICATIONS - INTEGRATED PUBLIC SAFETY COMMUNICATIONS.** Adds IC 5-26 to establish the Integrated Public Safety Commission to promote the efficient use of public safety agency resources through improved coordination and cooperation to enhance the safety of Indiana residents. Additional powers of the Commission include ensuring that Federal and State communication requirements are followed; mutual aid planning; and providing assistance to local public safety agencies in making equipment purchases and developing criteria for determining whether a public safety agency may use the statewide wireless public safety voice and data communications system.

**PUBLIC LAW 119 - HOUSE ENROLLED ACT 1909. EFFECTIVE JULY 1, 1999. BROWNFIELD ZONES.** Amends IC 13 to provide for forgivable loans to political subdivisions for brownfield remediation.

**PUBLIC LAW 122 - SENATE ENROLLED ACT 66. EFFECTIVE MAY 3, 1999. UNDERGROUND STORAGE TANKS.** Amends IC 13-23-10-10 to provide the owner or operator who closed or removed an underground storage tank after December 31, 1997 and before July 1, 1998 may receive a grant from the fund.

Also amends IC 13-23-14-3 concerning civil penalties.

**PUBLIC LAW 126 - SENATE ENROLLED ACT 286. EFFECTIVE JULY 1, 1999. UNIVERSAL 911 EMERGENCY TELEPHONE NUMBER.** Adds IC 36-8-20 to designate telephone number 911 as the universal emergency telephone number for reporting an emergency and requesting assistance. Provides that a communication system that is available to members of the public as a means to report an emergency and to request assistance; and established or operated by the state or a unit; must use 911 as the exclusive universal emergency telephone number for the communication system.

**PUBLIC LAW 128 - SENATE ENROLLED ACT 307. EFFECTIVE JANUARY 1, 1999, (RETROACTIVE). POOR RELIEF.** Adds IC 12-20-5.5-2(b) to provide standards for the administration of poor relief must exclude a Holocaust victim's settlement payment received by an eligible individual from countable assets and countable income.

Also amends (b) to provide a township trustee may not consider a Holocaust victim's settlement payment received by an eligible individual when setting income standards under this section.

**PUBLIC LAW 129 - SENATE ENROLLED ACT 332. EFFECTIVE MAY 3, 1999. CUMULATIVE TOWNSHIP VEHICLE AND BUILDING FUND.** Adds IC 36-9-17.5 to provide for the cumulative township vehicle and building fund the legislative body of a township may levy a tax on all taxable property within the township in compliance with IC 6-1.1-41. The tax rate may not exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation of property in the township for property taxes first due and payable before January 1, 2002, or one and sixty-seven hundredths cents (\$0.0167) on each one hundred dollars (\$100) as assessed valuation of property in the township for property taxes first due and payable after December 31, 2001. As the tax is collected, the tax shall be deposited in a qualified public depository or depositories and held in a special fund known as the cumulative township vehicle and building fund.

Notwithstanding any other law, the property tax limits imposed under IC 6-1.1-18.5-3 apply.

**TOWNSHIP BULLETIN  
and Uniform Compliance Guidelines**

**Volume 245, Page 9**

**June 1999**

IC 36-9-17.5-2 states "A township may establish a cumulative township vehicle and building fund under IC 6-1.1-41 to provide money to:

- (1) acquire township vehicles;
- (2) purchase, construct, equip, and maintain buildings for public purposes;
- (3) acquire the land and any improvements on the land that are necessary for the construction of public buildings;
- (4) demolish any improvements on land acquired under this section and level, grade, and prepare the land for the construction of a public building;
- (5) acquire land or rights-of-way to be used as a public way or other means of ingress or egress to land acquired for the construction of a public building; and
- (6) improve or construct any public way or other means of ingress or egress to land acquired for the construction of a public building."

**PUBLIC LAW 132 - SENATE ENROLLED ACT 551. EFFECTIVE JULY 1, 1999. DRINKING WATER AND WASTEWATER FINANCIAL ASSISTANCE AGREEMENTS.** Amends IC 13-11-2-83 to provide that an agreement between the budget agency and the participant establish the terms and conditions of a loan or other financial assistance, including forgiveness of principal if allowed under federal law, by the State to the participant.

Also adds IC 13-11-2-151.1 to define participants for the purposes of IC 13-11-2-151.1 and IC 13-8-21 means a political subdivision or any other owner or operator of a public water system.

**PUBLIC LAW 134 - HOUSE ENROLLED ACT 1431. EFFECTIVE JULY 1, 1999. CERTAIN MUTUAL FUND INVESTMENTS.** Adds IC 5-13-9-2.4 to provide an officer of a (1) political subdivision; or (2) other local governmental entity shall annually obtain the approval of the fiscal body of the political subdivision or the governing body of a local governmental entity before making investments under section 2.5.

IC 5-13-9-2.5 is added to provide that an officer designated in IC 5-13-9-1 may invest or reinvest funds that are held by the officer and available for investment in investments commonly known as money market mutual funds that are in the form of securities of or interest in an open-end, no-load, management-type investment company or investment trust registered under the provisions of a federal Investment Company Act of 1940, as amended (15 U.S.C. 80A et seq.) The investments described may not exceed fifty percent (50%) of the funds held by the officer and available for investment. Any investments described shall be made through depositories designated by the State Board of Finance as depositories for State deposits under IC 5-13-9.5.

The portfolio of an investment company or investment trust described in IC 5-13-9-2.5(a) must be limited to the following: (1) Direct obligations of the United States. (2) Obligations issued by any of the following:

- (A) A federal agency,
  - (B) A federal instrumentality,
  - (C) A federal government sponsored enterprise.
- (3) Repurchase agreements fully collateralized by obligations described in subdivision (1) or (2).

The form of securities of or interest in an investment company or investment trust described in IC 5-13-9-2.5(a) must be rated as one (1) of the following:

- (1) AAAM, or its equivalent, by Standard and Poor's Corporation or its successor,
- (2) Aaa or its equivalent, by Moody's Investors Service Inc., or its successor.

**TOWNSHIP BULLETIN  
and Uniform Compliance Guidelines**

**Volume 245, Page 10**

**June 1999**

The form of securities in an investment company or investment trust described is considered to have a stated final maturity of one (1) day.

The State Board of Accounts may rely on transaction confirmations evidencing ownership of a form of securities of or interest in an investment company or investment trust described in subsection (a).

**PUBLIC LAW 135 - HOUSE ENROLLED ACT 1434. EFFECTIVE JULY 1, 1999. TELECOMMUNICATIONS.** Amends and adds to IC 8-1-29 concerning telecommunications changes. Also amends various sections of IC 23-7-8 concerning certain solicitations.

**PUBLIC LAW 137 - SENATE ENROLLED ACT 9. EFFECTIVE JULY 1, 1999. INDIANA UNIFORM PRUDENT INVESTORS ACT.** Adds IC 30-4-3.5 concerning procedures for managing trust assets.

**PUBLIC LAW 142 - SENATE ENROLLED ACT 94. EFFECTIVE DECEMBER 31, 1998 (RETROACTIVE). GOVERNMENTAL IMMUNITY FOR Y2K.** Amends IC 34-13-3-3 to provide immunity caused by failure to recognize the year 1999, 2000, or a subsequent year, including an incorrect date or incorrect mechanical or electronic interpretation of data that is computer calculated or generated by a computer; information system; or equipment using microchips that is owned or operated by a government entity. However, the subdivision does not apply to acts or omissions amounting to gross negligence, willful or wanton misconduct or intentional misconduct. For purposes of the subdivision, evidence of the gross negligence may be established by showing failure of a governmental entity to undertake an effort to review, analyze, remediate, and test electronic information systems or by showing failure of a governmental entity to abate, upon notice, an electronic information system error that caused damage or loss.

**PUBLIC LAW 151 - SENATE ENROLLED ACT 321. EFFECTIVE JULY 1, 1999. COPY COSTS.** Amends IC 5-14-3-8 concerning the fee a fiscal body shall establish for certification, copying, or facsimile machine transmission of documents. The fee may not exceed the actual costs of certifying, copying, or facsimile transmitted documents by the agency. The fee must be uniform throughout the public agency and uniform to all purchases. Actual cost is defined to mean the cost of paper and per-page costs for use of copying or facsimile equipment, and does not include labor costs or overhead costs.

**PUBLIC LAW 153 - SENATE ENROLLED ACT 429. EFFECTIVE JULY 1, 1999. PUBLIC NOTICE, PURCHASE PREFERENCES.** Amends IC 5-3-1-2 to provide if the unit is receiving bids, notice shall be published two (2) times, at least one (1) week apart with the second publication made at least seven (7) days before the date the bids will be received.

Amends IC 5-22-15-7 to include Indiana small business preferences provided by IC 5-22-15-23.

Also amends IC 5-22-15-16 to provide a price preference for supplies that contain recycled materials or post-consumer materials. The amount of the price preference and the recycled materials composition of the supplies must be set by one (1) of the following:

- (1) Rules adopted by the governmental body.
- (2) Policies established by the purchasing agent.
- (3) The solicitation.

**TOWNSHIP BULLETIN  
and Uniform Compliance Guidelines**

**Volume 245, Page 11**

**June 1999**

The preference shall be set to maximize the use of recycled materials when economically practical. The price preference set under IC 5-22-15-6(c) may not be less than ten percent (10%) or exceed fifteen percent (15%).

Also adds IC 5-22-15-23 to provide a governmental body shall give a fifteen percent (15%) preference for supplies to an Indiana small business (as defined in IC 5-22-14-1) that submits an offer for purchase under IC 5-22. A governmental body may adopt rules to establish criteria to carry out this action.

Also amends IC 5-22-17-4 to provide a contract that contains a provision for escalation of the price may be renewed under this section if the price escalation is computed using:

- (1) a commonly accepted index named in the contract; or
- (2) a formula set forth in the contract.

Repeals IC 5-22-15-17 concerning prior recycled materials preferences.

**PUBLIC LAW 154 - SENATE ENROLLED ACT 447. EFFECTIVE JULY 1, 1999. DELINQUENT PROPERTY TAXES.** Amends IC 6-1.1-37-10 to change the penalty date for delinquent property taxes.

Changes various definitions in IC 26-1-6.1-102.

Also adds IC 36-2-6-14.5 concerning special assessment dates.

**PUBLIC LAW 158 - SENATE ENROLLED ACT 539. EFFECTIVE JULY 1, 1999. RAILWAY CORRIDORS.** Amends various sections of IC 8-4.5 concerning responsible parties and governmental entities in abandoned railroad corridors used as recreational trails.

**PUBLIC LAW 160 - SENATE ENROLLED ACT 625. EFFECTIVE JULY 1, 1999. CLEAN WATER INDIANA PROGRAM.** Adds IC 14-32-8 to provide for the Clean Water Indiana Program. The purpose of the program is to provide financial assistance to implement conservation practices to reduce nonpoint sources of water pollution through education, technical assistance, training and cost sharing programs.

**PUBLIC LAW 170 - SENATE ENROLLED ACT 126. EFFECTIVE JULY 1, 1999. INSURANCE.** Amends IC 5-10-8 to require group insurance payments for certain screenings.

**PUBLIC LAW 172 - SENATE ENROLLED ACT 486. EFFECTIVE JULY 1, 1999. ENERGY SAVINGS CONTRACTS.** Amends IC 4-13.6-4 to provide certificates of qualification to be valid for a period of twenty seven (27) months from the date of issuance unless revoked by the board for cause. Any qualified person who holds a certificate of qualification should notify the board of any material changes in information in any application submitted to the board.

**PUBLIC LAW 175 - SENATE ENROLLED ACT 662. EFFECTIVE JULY 1, 1999. INDIANA LAND RESOURCES COUNCIL.** Adds IC 15-7-9 to establish a council to provide information, educational and technical assistance and to advise governmental units regarding land use strategies and issues across the State.

**TOWNSHIP BULLETIN  
and Uniform Compliance Guidelines**

**Volume 245, Page 12**

**June 1999**

**PUBLIC LAW 176 - SENATE ENROLLED ACT 109. EFFECTIVE VARIOUS DATES. OATHS, DEPUTIES.**

Amends IC 5-4-1-1. Retroactive January 1, 1999 to provide a deputy of a political subdivision is an employee performing ministerial functions on behalf of an officer and is not required to take the oath prescribed in IC 5-4-1-1(a), however, if a chief deputy assumes the duties of an officer in a vacancy under IC 3-13-11-12, the chief deputy must take the oath required before entering the official duties of the office.

Amends IC 5-4-1-1.2 to provide if an officer of a political subdivision does not take and file the oath required under IC 5-4-1-1 within thirty (30) days after the beginning of the officers term, the office becomes vacant.

Also provides IC 5-4-1-1.2 does not apply to an individual appointed or elected to an office the establishment or qualifications of which are expressly provided for in the Constitution of the State of Indiana or the Constitution of the United States.

Amends IC 5-4-1-4 to provide an officer of a political subdivision or school corporation must file a copy of the oath to the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or the school corporation.

Also adds IC 5-6-4 to provide that for purposes of Article 2, Section 9 of the Constitution of the State of Indiana the position of appointed deputy of an officer of a political subdivision is not a lucrative office.

Also amends IC 33-16-4-1 to provide a township trustee can subscribe and administer oaths and take acknowledgments.

**PUBLIC LAW 178 - HOUSE ENROLLED ACT 1448. EFFECTIVE JULY 1, 1999. EMERGENCY MANAGEMENT, FIRE AND BUILDING SERVICES, AND PUBLIC SAFETY TRAINING FOUNDATION.** Adds IC 10-9 to create the Foundation. Provides under certain circumstances, the Foundation may donate personal property to a unit of local government.

**PUBLIC LAW 181 - HOUSE ENROLLED ACT 2022. EFFECTIVE JANUARY 1, 2001. COMMERCIAL VEHICLE EXCISE TAX.** Concerns various changes concerning assessing including IC 6-6-5.5-18 to provide information returns shall be furnished to the taxpayer by the appropriate township assessor. The assessor shall examine and verify accuracies of information returns filed by taxpayers comparing the information with books of the taxpayers and with commercial vehicles owned, held, possessed or controlled by the taxpayer.

Adds IC 6-6-5.5 to provide for commercial vehicle excise tax to be imposed annually.

**PUBLIC LAW 185 - HOUSE ENROLLED ACT 1477. EFFECTIVE JULY 1, 1999. EMPLOYEE ASSISTANCE PROFESSIONALS.** Adds IC 25-40 concerning certifying individuals providing workplace services to address employer and employee productivity.

**PUBLIC LAW 191 - SENATE ENROLLED ACT 1. EFFECTIVE JULY 1, 1999. PUBLIC ACCESS COUNSELOR.** Contains similar provisions to Public Law 70, House Enrolled Act 1002. Effective July 1, 1999.

**TOWNSHIP BULLETIN  
and Uniform Compliance Guidelines**

**Volume 245, Page 13**

**June 1999**

**PUBLIC LAW 192 - HOUSE ENROLLED ACT 1169. EFFECTIVE JANUARY 1, 2000. VOLUNTEER FIREFIGHTER.** Defines "volunteer firefighter" as (1) a firefighter who as result of an application has been elected or appointed to membership in a volunteer fire department; (2) who has executed a pledge to faithfully perform with or without nominal compensation, the work related duties assigned and orders given to the firefighter by the chief of the volunteer fire department or an officer of the volunteer fire department, including orders or duties involving education and training as prescribed by the volunteer fire department or the state; and (3) whose name is on a roster of volunteer firefighters as kept by the volunteer fire department and has been approved by the proper officers of the unit.

Also amends IC 36-8-12-7 to provide for total disability that prevents the member from pursuing his usual vocation, a weekly indemnity of not less than two hundred fifty dollars (\$250) up to a maximum of two hundred sixty (260) weeks.

Also amends IC 36-8-12-8(b) to provide the policy of insurance must provide for the payment of a sum of not less than one hundred fifty thousand dollars (\$150,000).

**PUBLIC LAW 195 - HOUSE ENROLLED ACT 1093. EFFECTIVE JULY 1, 1999. PERF/TERF.** Makes numerous changes to various provisions concerning PERF and TERF.

**PUBLIC LAW 212 - HOUSE ENROLLED ACT 1578. EFFECTIVE VARIOUS DATES. UNDERGROUND STORAGE TANKS.** Amends and adds to IC 13 concerning corrective actions on underground storage tanks and ownership.

**PUBLIC LAW 216 - HOUSE ENROLLED ACT 1606. EFFECTIVE JULY 1, 1999. PLAN COMMISSION.** Amends IC 36-7-4-208 to provide for township trustee membership on certain advisory plan commissions.

**PUBLIC LAW 227 - HOUSE ENROLLED ACT 1985. EFFECTIVE JULY 1, 1999. ENERGY EFFICIENCY LOAN FUND.** Amends IC 4-23-5.5-15 to provide the loan fund is established for the purpose of assisting governmental bodies as defined in IC 36-1-12.5-1.5.

IC 36-1-12.5 adds libraries to the definition of governing bodies which already consist of school corporations and other political subdivisions.

**PUBLIC LAW 228 - HOUSE ENROLLED ACT 1986. EFFECTIVE VARIOUS DATES. PERF/TERF.** Adds various sections to IC 5-10.2 concerning PERF and TERF retirement provisions.

**PUBLIC LAW 232 - HOUSE ENROLLED ACT 2041. EFFECTIVE JANUARY 1, 1999 (RETROACTIVE) AND JULY 1, 1999. SELF INSURANCE.** Adds IC 2-3-3-2.5 to define "employer" as a political subdivision as defined in IC 36-1-2-13 and provides that an employer of an individual who is a member of the General Assembly shall provide to the individual at all times during which the individual is serving as a member of the General Assembly the same insurance and other benefits at the same cost to the individual as provided to the individual by the employer when the individual is not serving as a member of the General Assembly.

**TOWNSHIP BULLETIN  
and Uniform Compliance Guidelines**

**Volume 245, Page 14**

**June 1999**

**PUBLIC LAW 235 - HOUSE ENROLLED ACT 2085. EFFECTIVE JULY 1, 1999. SCHOOL TO WORK.** Adds and amends various provisions of IC 22-3-1 concerning compensation and benefit for school to work students.

Also makes changes concerning unemployment compensation.

**PUBLIC LAW 248 - SENATE ENROLLED ACT 167. EFFECTIVE JULY 1, 1999. ANNEXATION.** Adds IC 36-4-3-8.1 creating an advisory board concerning services to the annexed territory. The township trustee of the township with the largest number of residents is to serve on the board.

Also amends IC 36-4-3-19 to provide that the county auditor shall forward a list of lots or lands disannexed to the township trustee of each township that lost or gained jurisdiction over the disannexed territory.

**PUBLIC LAW 251 - SENATE ENROLLED ACT 204. EFFECTIVE MAY 13, 1999. COMPUTER GATEWAYS.** Amends IC 5-3-1; IC 5-14-1.5-5; IC 22-7-5 and IC 5-22-9-3 concerning publication requirements for state officers, boards, commissions or other institutions to publish a notice and provide electronic access to the notice through the computer gateway administered by the Intellenet Commission under IC 5-21-2.